

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CURTIS LEROY CAMPBELL,)	
Petitioner,)	
)	
v.)	Criminal No. 00-01
)	Civil Action No. 04-0314
UNITED STATES OF AMERICA,)	
Respondent.)	

**ORDER OF COURT
AMENDING JUDGMENT ORDER**

After careful consideration of defendant Curtis Leroy Campbell's well-crafted *pro se* Motion for Modification of an Imposed Term of Imprisonment Pursuant to 18 U.S.C. § 3582(c)(2) (doc. no. 84 at Crim. No. 00-01), the government's Response, and defendant's counseled Reply to Government's Response, it appears to the Court that defendant's sentence should be modified, and that a term of imprisonment of 120 months is appropriate.

The recent well-publicized Amendment 706 to the 100-to-1 crack to powder cocaine sentencing ratio, effective March 3, 2008, decreases by two levels the base offense levels for crack cocaine offenses, and is intended to be applied retroactively. See U.S.S.G. § 2D1.1; U.S.S.G. Supp. to App'x C, Amend. 706. This Court is authorized by 18 U.S.C. § 3582(c)(2) to modify the sentence where a defendant is eligible under a retroactive amendment to the guidelines.

The parties agree that the reduced guidelines sentencing range would be 108 to 135 months imprisonment, but for the ten year mandatory term of imprisonment under 21 U.S.C. § 841(b)(1)(A) which sets the floor at 120 months. The parties further agree that 120 months would be the appropriate sentence under all the circumstances and the section 3553(a) factors, 18 U.S.C. § 3553(a), and that a hearing is not necessary if the Court would accept this agreement.

The Court finds, after consideration of the sentencing record in this case including the Presentence Investigation Report, the section 3553(a) factors, and the agreement of the parties, that 120 months imprisonment is the appropriate sentence. Accordingly,

AND NOW, this 17th day of September, 2008, **IT IS HEREBY ORDERED** that the Judgment and Commitment Order dated May 22, 2000, as amended on June 19, 2000 and November 4, 2004, be further modified as follows:

Defendant Curtis Leroy Campbell is committed to the custody of the Bureau of Prisons to be imprisoned for a term of one hundred twenty (120) months.

In all other respects, defendant's sentence remains in full force and effect.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record